THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

Equality of Opportunity

ANNUAL REPORT 2000

Freedom from Discrimination

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Bilingual Web-site

www.gov.mb.ca/hrc

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His Honour
The Honourable Peter M. Liba, C.M.
Lieutenant-Governor of Manitoba

Sir:

May it please your Honour, it is my pleasure to present your Honour, the Annual Report of the Manitoba Human Rights Commission for the year 2000.

Respectfully submitted,

Gord Mackintosh
Minister

THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

The Honourable Gord Mackintosh
Minister of Justice and
Attorney-General
Legislative Building
Winnipeg MB R3C 0V8

Sir:

We are pleased to forward to you, the Minister responsible for the administration of *The Manitoba Human Rights Code*, the Annual Report of the Manitoba Human Rights Commission for the calendar year ending December 31, 2000.

Kenneth Filkow Q.C.
Chair

Table of Contents

Building on the Past	7
Looking to the Future	10
An Overview	12
Complaint Process	15
First Contact – Intake and Pre-Complaint	16
Next Attempt – Mediation and Investigation	17
Legal Steps – Directed Mediation and Hearings	18
Settlements	19
University Monitoring	27
Legal Proceedings	30
Raising Awareness	31
Regional Reports	36
Advice Available – Advisory Opinions	38
The Commissioners	40
Initiatives 2001	42
Commission Organizational Chart	43
Statistics	44

Manitoba Human Rights Code

In 1987 the provincial government passed the current Manitoba Human Rights Code. Protection under *The Code* extends to all ages. It prohibits unreasonable discrimination on the following grounds:

- Ancestry
- Nationality or national origin
- Ethnic background or origin
- Religion or creed, or religious belief, religious association or religious activity
- Age
- Sex, including pregnancy, or circumstances related to pregnancy
- Gender-determined characteristics
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability

Members of other groups, which have been historically disadvantaged but are not listed above, may be able to file a complaint on analogous grounds.

The mandate of the Manitoba Human Rights Commission is to achieve equality of opportunity and freedom from discrimination in the areas of housing, employment, contracts and services available to the public. Although many of these activities fall within provincial jurisdiction, complaints against certain federally regulated entities such as airlines, banks, telecommunications, reserves and the federal public service should usually be filed with the Canadian Human Rights Commission.

The Manitoba Human Rights Commission is authorized to mediate and investigate complaints of discrimination, to refer matters to adjudication, to issue binding opinions, to educate the public and promote human rights issues.

Mission Statement – The Manitoba Human Rights Commission is mandated to achieving equality of opportunity and freedom from discrimination.

Board of Commissioners*

Ken Filkow Chairperson

Cheryl Dumont Vice-Chairperson

Commissioners

Alfredo Arrojado

Dr. Amarjit S. Ameja

Janet Baldwin

Roberta Frederickson

Kemlin Nembhard

Yvonne Peters

Randal Smith

Dianne Vanderwater

*As of December 31, 2000

Minister

The Honourable
Gord Mackintosh

Building on the Past

- **Message from the Chairperson**

By the time of the printing of this annual report my extended term as Chairperson of the Commission will have expired. Knowing this is to occur, I am pleased to have the opportunity to provide a retrospective of the last thirteen years.

Human Rights Commissions were created on various dates in the early 1970's. In 1971, Human Rights Legislation created the Manitoba Commission. These agencies pioneered and struggled, as most pioneers do, in gaining acceptability, credibility and effectiveness. Prior to their creation a person who had suffered differential treatment by reason of race, source of income, gender or other characteristics had no recourse to any government agency or to the court system. Discriminatory attitudes were prevalent in Manitoba, as elsewhere. For example, it was common to see classified ads as follows: in the employment area "Help Wanted - Male" and in the rental area "No Indians".

The Commissions at their inception were properly mandated to balance an educative role and a compliance role. Compliance attempted to achieve positive consensual resolution between the parties, rather than punitive, culpable dispositions. During the 1970's, in a generally indifferent society, these noble aims of legislation were hard to achieve except slowly and, necessarily, tentatively. By the mid 1980's, our Commission, as others across the country, had gained experience and conviction as to the manner in which to approach the exercising of its mandate.

From the late 1980's to the present, I was fortunate to chair successive Boards and to work with members all committed to eliminating the serious backlog of cases and to deliver effective and timely results. Processes were streamlined, mediation formats were developed and many complaints came to be resolved on an expedited basis. This trend is increasing exponentially.

"The further back you can look, the farther forward you are likely to see."
Sir Winston Churchill

It had also become apparent over the first two decades of the Commission that it, as other Commissions, had to be in the vanguard of pursuing Human Rights complaints to the highest level of court disposition. In separate cases, our Commission pursued a complaint based on pregnancy and a complaint based on sexual harassment to the Supreme Court of Canada. In the first case this court held that pregnancy was a legitimate gender issue that had to be accommodated in the work place. In the other case, the court determined that sexual harassment was included in the characteristic of sex and that Human Rights Commissions clearly had jurisdiction in this area. Both decisions proved to be highly consequential to Commissions across the country and to the shaping of public attitudes in a positive way. The Commission takes pride in having committed itself to seeing the actions through.

Another case authority that stands out is the Manitoba Court of Appeal decision in the Vogel case. Chris Vogel had complained that he was being differentially treated with respect to group insurance benefits available to him as a provincial civil servant. The supportive decision of the Manitoba Court of Appeal, coupled with court decisions from other jurisdictions, markedly altered attitudes as to same sex benefits resulting in policy and legislative changes by governments.

Over my tenure as Chair, I will remember with fondness the excitement of brainstorming public stands and positions. The members of the Board, Legal Counsel and the Executive Director were always involved. At times we disagreed with an Adjudicator's decision. I remember the Commission denouncing such a decision when an adjudicator upheld the rights of a religious school to require religious faith as a qualification for employment at the school of a non-faculty individual. The Commission emphasized that the decision turned on the particular facts of that case and that it was not fair or appropriate to draw a general principle from the decision.

In a case, which was dismissed for lack of evidence, a mother was prohibited from breast feeding in a retail store. The Commission publicly focussed on the human rights principles delineated by the adjudicator. We emphasized that the Adjudicator had found that there was a duty by the retail store owner to accommodate the nursing mother by finding a relatively private place for her. The case was the first known reported decision dealing with breast feeding in a retail environment.

The Manitoba Commission has also expanded and redefined our educational programs. As contrasted with the indifference to Human Rights principles in the early 1970's as mentioned earlier, these seminars are extremely well attended. The business community has on many occasions expressed gratitude for the instructive benefit it gets from their attendance.

The work of the statutory human rights agencies across Canada has been complemented by the work of CASHRA, a national organization of the different human rights agencies created by the government. I was very pleased to serve as the CASHRA President from 1995 to 1996. My earnest hope is that CASHRA will continue to be an effective and collective voice of Commissions across the country.

While there have been significant accomplishments, there can be no illusions that there are still wide spread unattractive and disturbing attitudes in our community. My successor and the successor Boards will face continued significant challenges. I wish them every success in pursuing the continued mandate of the Commission and ensuring the proper balance of the interests of the complainants and the respondents.

I wish to acknowledge the quality of so many Board members with whom I worked, in particular, my vice-chairs Molly Robinson and, more recently, Cheryl Dumont. The working relationships I enjoyed with the Commission's Executive Director Dianna Scarth and legal counsel, Aaron Berg, were wonderful. I am very obliged for the friendships I have developed at the Manitoba Commission and Commissions across the country.

Ken Filkow, Q.C.
Chair of the Board

Looking to the Future

- **Message from the Executive Director**

The year 2000 was a year in which, like many other organizations, the Manitoba Human Rights Commission reviewed its accomplishments with a view to determining its future directions. Considerable progress has been made in reducing the time required to deal with complaints. We closed a record number (422) of files (i.e. actual and potential complaints) during the year. The average time for completion was 8.2 months. We will strive to improve that figure in the future.

In the past few years, the Commission has focussed on two major initiatives: increasing the range of options available to resolve complaints, and developing and delivering very practical and comprehensive human rights seminars for employers, human resource professionals, and non-profit organizations. We will, in the coming year, continue to build on the progress that has been made in those areas, but will also undertake important new initiatives as well.

The Commission will consider how it might provide more culturally appropriate human rights services to Aboriginal peoples. Our experience in northern Manitoba has confirmed our perception that, despite the widespread discrimination against Aboriginal people, a relatively low number of complaints are filed with the Commission each year. We are, however, making progress in the North. The human rights officer travels extensively, holding office hours in various communities. We have also adopted a pro-active approach to outreach activities by providing workshops and seminars for large employers, schools and colleges and community groups in Northern Manitoba. It will be a priority for the Commission to develop a similar service delivery model in Winnipeg in the coming year.

Working in partnership with community organizations will continue to be an important approach undertaken by the Commission in areas relating to education and outreach activities. Not only does this approach make more effective use of limited resources, but also enriches our programs by working with other groups that have similar goals and objectives. One example of such a partnership was the *Faces of Discrimination in the North project* that was undertaken by the Thompson Citizenship Council Inc./ Multi Culture Centre.

The goal was to develop anti-discrimination tools. These include a book based on personal stories illustrating discrimination in the north, a television video and a radio program based on the scenarios in the book. Commission staff assisted with the project by preparing commentaries about the incidents, and the type of recourse that may have been available under human rights legislation.

"If you are planning for a year, sow rice; if you are planning for a decade, plant trees; if you are planning for a lifetime, educate people."
Chinese Proverb

The Commission has recently begun a joint project with the Children's Advocate to create a publication that will inform young people about their rights and responsibilities under *The Human Rights Code* and other provincial statutes. These are two examples of partnerships with other departments and organizations that share the Commission's commitment to achieving equality and reducing discrimination.

We will continue to improve and expand our educational seminars in the coming year. The current topics of reasonable accommodation in the workplace, harassment and recent developments in human rights laws will be broadened to include a new program designed for landlords.

The focus of the Commission's public education projects in the year 2001 will be human rights in the education system. Recent media reports have suggested that bullying and harassment have become major problems within schools, sometime with tragic consequences. Attitudes that result in discriminatory and intolerant behaviour are usually formed at a very early age. Therefore, the Commission plans to develop a range of programs that will focus on human rights education from kindergarten through high school. We will also work with educators and administrators who are in the best position to ensure that educational equity and human rights principles are implemented in the education system.

The year 2000 also marked the end of the term of the Commission's Chairperson. Ken Filkow's twelve years of service as the Chair was the longest term for a Chief Commissioner of any Canadian human rights commission. We are grateful for the commitment that Mr. Filkow demonstrated toward improving human rights in Manitoba as well the many important contributions he made to the work of the Manitoba Commission.

Dianna Scarth
Executive Director

An Overview

➢ **Commission's Activities in 2000**

"Our lives begin to end the day we become silent about things that matter."
Dr. Martin Luther King

In fulfilling its mandate of enforcing The Code, the Commission made significant progress toward achieving its objective of resolving complaints in a more timely way.

A total of 281 complaints were closed during the year. Of that number, 29% were settled by way of pre-investigation mediation or conciliation, within 60 days or less. Some additional settlements occurred after investigation, and it is encouraging to note that the number of cases settled during the year (44%) was extremely high when compared with earlier years, such as 1993 (16%) or 1994 (22%). Settlements require the parties to become actively involved in the process of achieving resolutions to complaints and the satisfaction rate of parties who have settled complaints is usually greater than that of parties who have gone through the investigative process. Another encouraging trend noted was that the number of complainants who withdrew or abandoned their complaints (16 %) was much lower than in 1993 and 1994, when 46% and 47% of complaints received were abandoned or withdrawn.

Complaints filed during the year were based on protected characteristics that are outlined in The Code and that occur in housing, employment or public services. The highest number of complaints received during the year was based on disability (33.2 % of the total), a trend that has been consistent during the past few years. Although the volume of disability complaints has remained fairly stable, the nature of the issues raised has changed. Many disability-based complaints were diverse and complex, often raising allegations that employers or service providers failed to reasonably accommodate physical or mental disabilities. Complaints based on mental disability, (a term that includes depression, bi-polar disorders and psychiatric conditions) increased to 25% of the total number of disability complaints in the year 2000.

"It has often been said that it is not our differences that are the problem; it is our responses to differences."

Unknown

Recent decisions of the Supreme Court of Canada have increased the duty of employers and service providers to accommodate people with disabilities. Cases decided across the country within the past two years have built on the Supreme Court's clear statements that employers must consider all reasonable accommodation options, to the point of undue hardship, and that it is unacceptable to rely upon subjective, impressionistic beliefs as to the limitations of the disabled. Because of these important new developments in the law, and the fact that two-thirds of the complaints received arose in employment, the Commission developed seminars on the topic Reasonable Accommodation in the Workplace to provide employers with the tools to deal with situations as they arise in their own workplaces.

The ground of gender (27.3 % of the total) received the second highest number of complaints during the year. Sexual harassment and pregnancy were most often raised in gender-based complaints. The Commission analyzed information regarding complaints within this category and developed a half-day seminar Harassment in the Workplace that provides employers with practical advice as to methods of preventing and dealing with harassment in their workplaces.

One adjudicator's decision was received during the year that established the principle that a retail store owner has an obligation to accommodate the needs of a woman who is breastfeeding. (For additional details, please refer to the Legal Proceedings section of this report).

Public education activities were undertaken in collaboration with other organizations that share the Commission's goals. For example, the umbrella organization of Canadian Human Rights Commissions (CASHRA) developed a colourful poster with the message "Human Rights are Everyone's Business" which is available at no charge by calling the Commission's offices.

A new Human Rights Commitment Award was established jointly with the Canadian Human Rights Commission and the Community Legal Education Association (CLEA). This award will be presented annually to an individual or organization that demonstrates a long-term commitment toward advancing human rights in Manitoba.

The Annual Report contains a summary of the Commission's assessment of the progress made by Brandon University in dealing with the issue of the under-representation of women in faculty and senior administrative positions. The Commission's review of the information was carried out pursuant to a settlement of complaints that raised allegations of systemic barriers for women in the university. The monitoring role of the Commission is an integral component of the settlement.

"How lovely to think that no one need wait a moment: we can start now, start slowly changing the world! How lovely that everyone, great and small can make a contribution toward introducing justice straight away."

Anne Frank

The Board of Commissioners also began a review of all Commission policies. Commission policies generally set out the Commission's interpretation of provisions of *The Code.* Terms such as "disability" or "family status" are not defined in the legislation, but rather, are interpreted by the Board of Commissioners.

In the coming year, the Commission's priorities will be to continue to improve the timelines for complaint investigations, to develop a range of human rights programs for use in the education system, and to develop a service delivery model that will improve the accessibility and quality of services offered to Aboriginal people in Manitoba.

Complaint Process

Manitoba Human Rights Commission

When the Commission Is First Contacted

- The intake unit is the first point of contact when someone calls or drops by the Commission.
- The person may be provided with information on the Commission and the *Human Rights Code* or directed to another agency, if the matter does not fall within *The Code.*
- After establishing that the complaint falls within the Commission's jurisdiction, the intake staff will attempt, in some cases, to resolve matters informally usually over the telephone. This is called pre-complaint resolution.
- If pre-complaint conciliation is not appropriate or does not result in a resolution, a written complaint will be prepared and registered by the intake staff and sent to the respondent.

After a Complaint Has Been Formally Registered

- The parties are usually offered an opportunity to resolve their complaint through early resolution or mediation facilitated by one of the Commission's mediators.
- All mediations are confidential and are conducted on a neutral, without prejudice basis.
- Complaints not resolved by mediation will go through a full investigation by the Commission's investigators. This may include interviews and documentation review.
- Investigators then make recommendations to the Board of Commissioners as to whether or not the complaint should proceed further.

Once a Complaint Has Gone to the Board of Commissioners

- The Board is free to accept, reject or modify investigators' recommendations.
- The Board may dismiss a complaint.
- The Board may direct mediation to be undertaken to settle the complaint.
- The Board may ask the Minister of Justice to appoint an independent adjudicator from an established roster. The adjudicator convenes a public hearing, hears the evidence and issues a written decision as to whether there has been a contravention of *The Code.*

First Contact

➢ Intake Activities

"Human rights are your rights. Seize them. Defend them. Promote them. Understand them and insist on them. Nourish and enrich them...They are the best in us. Give them life."
Kofi Annan

During the year 2000, the public contacted the Manitoba Human Rights Commission 5,895 times. These contacts were primarily made by telephone and just under half were made in Winnipeg. In the regional offices, Brandon had 1,725 contacts while The Pas had 1,461. It should be noted that a new call distribution system, which automatically sends calls to a regional office if the lines are busy in Winnipeg, has significantly and proportionately equalized the distribution of calls among the three regions. This new system has also significantly improved the response time.

Approximately 9.6% of the contacts are matters that directly raise issues relating to *The Code*. A further 8.8% request literature relating to human rights.

The remaining contacts are inquiries or referrals to other departments or organizations.

A total of 472 files were opened in the 2000 calendar year.

In addition to personal contacts, on average over 5000 "hits" were made at the Human Rights Commission's website each month.

➢ Pre-Complaint Conciliation

An important option for resolving complaints quickly and informally is at the intake level. It is at this point, before a formal complaint is registered, that the intake staff tries to find a resolution and offers the parties an opportunity to work on an early resolution.

As well, the intake staff often is able to obtain additional information for the complainant. Frequently, once this information is passed on, the complaint is not pursued.

Pre-Complaint resolution was attempted with 160 files and 58 of these were resolved successfully. In another 67 of these files, the complainant decided not to pursue the complaint after receiving additional information regarding the respondent's position.

Next Attempt

➢ Mediation Activities

"The greatest motivational act one person can do for another is to listen."
Roy E. Moody

When there is no pre-complaint resolution, a formal written complaint is registered and the file is assigned to the pre-investigation mediation team. In most cases the parties are contacted within a few days to discuss the possibility of taking part in face to face or shuttle mediation. According to Commission guidelines, when mediation is successful, a resolution should be achieved within 60 days.

In 2000 this team was assigned 184 files. They also had 12 active files from 1999. Therefore the mediation team worked on 196 files throughout the year.

Cases Assigned	Cases Resolved	Cases Transferred	Cases Active
196	**32**	**132**	**32**

➢ Investigation Activities

If mediation is not an option the parties want to consider, or if they cannot reach a negotiated settlement, the file is referred to an investigator and a full investigation takes place. This may include interviewing potential witnesses and reviewing any relevant documents.

The total number of cases formally filed in 2000 and assigned to the investigation team was 174. The team also continued work on 148 files that remained at the close of 1999 and a further 29 files from previous years, for a total of 351 cases.

Total Cases	Cases Resolved	Cases Transferred	Cases Active
351	**182**	**24**	**145**

Legal Steps

- **Directed Mediation**

Directed mediation is the last opportunity for a settlement between the parties. In some cases the parties reach a settlement after realizing the Board of Commissioners believes there is sufficient evidence to proceed with the complaint.

At the beginning of 2000 there were 18 files already in directed mediation. Twenty more cases were referred during the year, totaling 38 files.

Total Cases	Cases Resolved	Cases Transferred	Cases Active
38	**6**	**18**	**14**

- **Hearings And Decisions**

The Board of Commissioners may refer a file directly to adjudication. A file may also be referred to adjudication when a settlement cannot be reached or the respondent refuses a reasonable offer.

During 2000 one adjudication hearing was scheduled, and completed.

There were 191 formal complaints carried over to the 2001 calendar year. Of these, 145 were in investigation, 32 were in pre-investigation mediation and 14 were in directed mediation.

The Board of Commissioners has also referred 18 cases to adjudication.

Since 1998 the total number of formal complaints carried over to the next calendar year has decreased by approximately 22% and the total number of files one-year and older decreased by about 60%.

"While we are free to choose our actions, we are not free to choose the consequences of our actions."

Stephen Covey

Settlements

➢ **Disability**

"Until we acknowledge the need to analyze our mainstream policies and programs from the perspective of persons with disabilities... we are denying their claim to full participation."
Lloyd Axworthy

Resolved Informally

Change for the Better

The front door of a building was difficult to open for people with certain disabilities. A physician, whose offices were in the building, expressed her concern to the owners. She then took her complaint to the Commission. After being contacted by the Commission the owners agreed to replace the front doors with automatic ones.

Needed – Sign Language Interpreters

Imagine not being able to hear or understand your own performance appraisal. This was the concern of a deaf complainant who requested that sign language interpreters be present when management spoke to him formally. After contact, the company arranged to have signing interpreters present, when dealing with important issues such as performance appraisals.

Code Supercedes Collective Agreement

A collective agreement between a company and its employee association stated that light duties would not be provided to those employees returning to work after an illness or injury. This agreement seemed to ignore reasonable accommodation by stating that workers must be able to do all their previous work. Both the employer and the association were contacted and agreed to comply with the accommodation provisions in *The Code*.

Exception to No Dog Rule

A deaf man wanted a hearing ear dog. Since he lived in an apartment he needed the landlord to agree that the dog would be allowed in the building. He approached the caretaker who refused to approve the application because of a NO DOGS policy. This pre-complaint was resolved when the owner was contacted and agreed to make an exception.

Resolved Through Mediation

Accommodating Mental Disability

The complainant had worked as a salesclerk in a retail store for several months and was at the management trainee level. When she was prescribed medication to combat depression, her doctor recommended that she take a few weeks off work. She claimed she told her employer and arrangements were made for her to take some time off. When she returned, however, she alleged she was only offered part time casual work. She quit her job and filed a complaint with the Commission. She alleged that her employer changed the terms and conditions of her employment rather than accommodate her mental disability.

Shuttle mediation took place. She received compensation in the amount of $300 for lost wages, a letter of reference and an updated and amended Record of Employment.

Resolved Informally

Termination or Reduced Work Hours Unacceptable Results of Pregnancy

- **Sex, including Pregnancy and Circumstances Related to Pregnancy and Harassment**

When a pregnant woman requested help in heavy lifting, she was fired. Her termination was based on "not being able to do the job."

In a pre-complaint resolution, the employer agreed she did not have to do any heavy lifting and could return to work until she was eligible for maternity leave benefits. At this time she would be laid off. The woman found this agreement satisfactory.

In another situation, a pregnant woman, on the advice of her doctor, requested that she be put on a regular shift. Although this was done, she soon realized that she was losing hours to casual employees. The employer was contacted and once the facts were confirmed, he agreed to make every effort to maintain her previous hours.

In both these cases the employers requested information about the Commission's employment seminars.

"There is little difference in people, but that little difference makes a big difference. The little difference is attitude. The big difference is whether it is positive or negative."
W. Clement Stone

Woman Quits in Anticipation of Backlash

A cashier was interested in transferring into a merchandising position. She claimed, however, that the assistant manager said the store wanted to hire a man, since all the merchandising staff were women. The same assistant manger later confronted her and asked if she had been telling people she would report the situation to the Human Rights Commission if a male were hired. Although she denied saying this, she felt uncomfortable and anticipated a backlash. She resigned that day.

The employer was contacted. He agreed not to use gender in selecting candidates for employment. He and his assistant manager attended one of the Commission's employment workshops. Finally, as a gesture of regret, he provided the woman with $500.

Poor Job Performance a Direct Result of Harassment

A complainant was advised that she was being transferred to an entry-level position because of poor job performance. The woman alleged that her work problems and subsequent demotion were a direct result of harassment by a male employee. She had, however, never reported the behaviour. The manager cautioned the male employee and returned the complainant to her original job after being contacted by the Commission.

Woman Quits Job After One Morning

It was a new job with potential career advancement. On the first day however, she alleged that her boss called her into his office and began talking about personal matters, including socializing without her boyfriend. She was already feeling uncomfortable, when she alleged he grabbed and tried to kiss her. She pulled away, shocked by his behaviour. She claimed he apologized and added, "sometime in the future."

She never returned from lunch. Instead she filed a complaint with the Human Rights Commission. A settlement was reached and the woman received a total of $8,256 for loss of work.

"One of the secrets of life is to make stepping stones out of stumbling blocks."

Jack Penn

Resolved Through Mediation

$5000 Settles Case of Reprisal

For most women it would not be an ideal work environment. There were allegations that calendars and posters of nude women were scattered about. For the secretary/administrator, things were about to get worse.

She alleged that after a long lunch with her manager, he suggested they adjourn to the bar. She claimed she told him she needed to return to work. According to the woman, he then told her he had feelings for her and that she should leave her common-law husband of nine years.

After this encounter, she further alleged that he continued to talk about outside work activities and, in an attempt to get her attention, flung elastic bands at her. Eventually she told him she was getting uncomfortable with his behaviour.

At this point she claimed he became nasty, took away some of her responsibilities and eventually dismissed her. She also claimed he told her that, if she trained a new person, he would give her one month's notice and call it a lay-off, not a firing. He then sent out a memo to the staff, stating she had given notice.

The complainant and the respondent were far apart in terms of a negotiated settlement. Eventually the Board decided that $5000 was fair and both parties agreed.

Three Possible Reasons for Dismissal

Her employer claimed she was terminated after the probationary period because she was "disruptive, uncooperative and performed poorly at her job." The woman, however, claimed she was removed from the sales position and assigned to re-organize and clean the storage room when she revealed that she was pregnant. Her job was terminated on the last day of her probation period. On her Record of Employment, it stated that she was let go because of "lack of work".

Three months earlier her employer had hired two new sales and service consultants, a man and the complainant. Both positions required some travelling outside Winnipeg. Six weeks later, the woman found out she was pregnant. She claimed once her employer learned of her condition, he would not assign her to travelling assignments and instead suggested she re-organize the storage room.

Mediation in the form of "shuttle negotiation" took place. In this type of mediation, the individuals do not meet face to face but rather speak separately to the mediator. Eventually a resolution was reached. The complainant received $4000 in general damages.

Woman Faces her Harassers During Mediation

"Manitobans recognize the individual worth and dignity of every member of the human family...."
Manitoba Human Rights Code

A woman alleged that after several years of employment with a company, the two owners began to sexually harass her. The alleged harassment included repeated touching and sexual propositions. After each incident she objected, but it did not stop. Finally, she quit.

Initially she was very apprehensive about the mediation process. She was concerned about being intimidated, but very much wanted to face the two men and to tell them how their conduct had affected her. When working for her alleged harassers, she found it difficult to confront them.

The Commission is sensitive to issues of power imbalance in the mediation process. The mediator carefully assessed the ability of both parties to participate. The mediator assured the complainant that all parties are required to adhere to behavioural guidelines and the meeting would be conducted in a respectful manner.

The parties' settlement involved the respondent providing $1,000 for lost wages and $7,000 for general damages. The respondents also attended an educational workshop on human rights.

Informally Resolved

➢ **Age**

"When I was a boy of 14 my father was so ignorant I could hardly stand to have the old man around. But when I got to be twenty-one, I was astonished at how much the old man had learnt in seven years."
Mark Twain

Retirement Plans Jeopardized

A woman had planned to retire in 2001. She alleged, however, that the company advised her that its retirement policy required her to leave when she reached 65. Her sixty-fifth birthday had already passed. After contact with the Commission, the employer agreed that the woman's original retirement plan would be respected.

Retired Couple Refused Store Credit Card

An entire management team attended one of the Commission's seminars after an employee allegedly told a couple that the store did not accept credit applications from retired people. The couple also received a written apology and assurances that the company had no such restrictions on who may apply for credit.

Student Launches Age Complaint

An application for tenancy cannot be denied because of age. A young woman complained that she and her friends, whose ages ranged from nineteen to twenty-two, were refused an application form when they tried to rent premises. She also believed they were refused because some were students. Although being a student is not grounds for a complaint under *The Code*, discrimination based on age is. The Rental Office was contacted, an application taken, references checked and the young women moved in.

Informally Resolved

➢ **Ancestry and Ethnic Background**

Student Debate Results in $2500 Settlement

A father became concerned when his daughter claimed that during a student debate at school, negative remarks were made about him specifically and Aboriginal peoples in general. His daughter alleged that the two teachers present during the debate neither stopped nor corrected the inappropriate remarks. A settlement of $2500 was agreed upon. Also, the teachers attended a workshop about their responsibilities and the educational programs available to students.

Resolved Through Mediation

Agreement Reached Within Three Months

Sometimes a resolution is reached in the early stages of a complaint. For example, an Aboriginal man claimed he was dismissed from his job because of his ancestry. There was no investigation. The respondent agreed to pre-investigation mediation.

"Racism and intolerance are still common all over the world. If we are to make the 21st Century a true era of human rights, we must come to terms with humanity's long and tragic history of racism"
Mary Robinson

The complaint was filed in December. Mediation took place in January. By mid-February an agreement was reached. The case was closed on February 25.

The complainant was hired to do part-time security work. He had been doing this work for about four months and claimed all was going well. He received a call from his employer, however, who said he was terminated because they required a more experienced security person. The complainant alleged it was because he was Aboriginal.

After shuttle mediation an agreement was reached. The man was provided with $1500 as general damages and the respondent also agreed to provide him with a letter of apology and a letter of reference.

Hiring Directive Discriminatory

While screening applicants, the new operations manager was distressed to hear his regional manager's directive about hiring. He claimed he was told not to hire people from minority groups, who were described in derogatory terms.

Two months earlier the operations manager had transferred to Winnipeg. He resigned after hearing the hiring directive and brought his concern to the Commission.

The alleged discrimination was not against the complainant. When asked what he wanted from this process, the complainant said he wanted to ensure that this company was prohibited from further discriminatory practices.

Mediation began. The parties reached a resolution, which included the implementation and enforcement of an Anti-Discrimination/Harassment Policy and the incorporation of this policy into the Employee Handbook and Operations Guide for Managers.

Resolved Informally

➢ **Religion**

"We should celebrate our diversity, we should exult in our differences, as making not for separation and alienation and hostility but for their glorious opposites...There is room for everyone."
Desmond Tutu

Schedule Interferes with Religious Beliefs

The complainant was a Jewish woman who observed sundown Friday to sundown Saturday as a period of no work. When she was on the evening schedule, she had Friday and Saturday off so her religious beliefs and working hours never conflicted. When her schedule changed to days, Monday to Friday from 11AM to 8:30 PM, she approached management. She claimed she received no indication that she would be accommodated.

The Commission contacted the President who wanted to resolve the matter. The woman remained on the day shift but was given Friday and Saturday off.

Employee Quits After Offending Remarks

A woman of the Sikh faith was offended by remarks made by her manager. She claimed he made many negative and stereotypical comments regarding Sikh men. Once the owner was contacted he apologized and offered her an opportunity to work at a different location. She decided to look elsewhere. The manager attended the next workshop at the Commission.

Resolved Through Mediation

➢ **Sexual Orientation**

"We must recognize that difference has often been perceived as a threat."
Mary Robinson

Perceived Sexual Orientation Complaint

Sometimes harassment occurs on the basis of perception. For example, a man alleged he was perceived to be gay. In his workplace he discovered drawings of himself in the men's washroom, with comments about his sexual orientation. He claimed he reported the harassment to his supervisor. He alleged that soon after his compliant, the supervisor started making similar comments to him.

A few months later the man was fired for an unrelated incident. He met with senior management to grieve his termination. Management, however, was not prepared to take action against his co-workers or the supervisor. He resigned and later filed a complaint with the Human Rights Commission.

Mediation followed and the respondent agreed to resolve the complaint by paying the complainant $500 in general damages. Both agreed to confidentiality of the agreement.

Reversing an Historic Gender Imbalance at Brandon University

➢ **Monitoring Report**

Brandon University has provided The Manitoba Human Rights Commission with hiring and salary data pertaining to the number of women who were hired by Brandon University for faculty and administrative positions during the year that ended August 31st, 2000. This is the second year that Brandon University has provided this information in order to fulfill the terms of a settlement agreement.

As noted in last year's annual report, the Commission has agreed to assess the progress that has been made by Brandon University in dealing with the issue of the under-representation of women in its workforce. It was also a term of the agreement that the Commission's assessment would be published in its annual report.

The hiring data for the year ending August 31st, 2000 demonstrated a similar pattern to the data provided in the previous year. The total of 33 "new hires" was comprised of 18 women and 15 men. A statistical analysis that was undertaken by the Commission in 1997 compared the availability of qualified women in the external workforce to the number of women at Brandon University on a department by department basis. The data obtained showed that women were under-represented in all faculties at Brandon University, with the exception of nursing. It is encouraging to note that the representation of women in a number of faculties, notably Arts and Education, has increased since the analysis was undertaken.

Although the number of women hired to fill positions within the faculty of Arts has increased, there are no women in the departments of Economics and Political Science. No position vacancies however have arisen in these departments to allow for such change to occur since 1994 and 1973 respectively.

"Don't be afraid to take a big step. You can't cross a chasm in two small jumps."
David Lloyd George

It is also a matter of concern that women continue to be under-represented in the faculty of Science. Of the six "new hires" for faculty positions in Science during the year (a figure that included two tenure track positions), no women were hired. The most recent data provided by the university indicates that there are no women in the departments of Zoology, Mathematics, and Chemistry. Therefore, the under-representation, which was highlighted in 1997, continues to exist within that faculty.

In contrast, three women joined the faculty of Education. None of them however was hired in a tenured position. When one is assessing whether real progress has been made towards improving the status of women in the University, it is important to consider not only the number of women hired during the year, but also the ranks or levels at which the hirings took place.

When the gender breakdown of faculty members who hold the rank of full professors is considered, the overwhelming majority of full professors are males (91%), who have held those positions for many years. There appears to have been very few opportunities for the University to hire new faculty at that level within the past decade. The statistics within the rank of associate professors, (from which it would be reasonably anticipated that most appointments to the rank of full professor would be made), are also problematic. Only 20% of the faculty at the rank of associate professor were women during the year under review.

Changes to the governance structure at Brandon University appear to have resulted in increased leadership opportunities for women. Both Advisory Councils to the President are made up of a significant number of women. The new Management Advisory Council, which includes all deans and directors of the University, has a complement of 34, 13 of whom are women. The President's Advisory Group consists of 15 members, eight of whom are women.

Brandon University's new President, Dr. L. Visentin, has expressed his commitment to working towards developing equity targets to cover gender, visible minorities and persons with disabilities in order to improve the University's performance in these areas. These are laudable objectives, and the extent to which they have been achieved will be considered in our next annual report.

Brandon University offers an impressive range of programs for Aboriginal students and should be commended for its demonstrated commitment to creating educational opportunities for Aboriginal women.

Brandon University has recognized that there has been a historical gender imbalance within the academic and administrative ranks at the University. It will continue to be important to employ special recruitment efforts when future vacancies arise. As a smaller, rural university, Brandon University faces unique challenges when it is attempting to attract candidates from the same pool as other Canadian universities that are striving to address gender imbalance issues within their ranks. As it is anticipated that there will be more opportunities to hire within academic and administrative ranks in the next few years, Brandon University will need to implement very specific measures in the areas of recruitment, hiring and promotions if it is to make significant progress toward achieving its stated objective of improving the status of women at the University.

Legal Proceedings

➢ **Adjudication**

"Do not follow where the path may lead. Go instead where there is no path and leave a trail."

Muriel Strode

Public Hearing

Breast Feeding in Store Unwelcome

A mother who wanted to breastfeed her child in a store in Osborne Village filed a complaint with the Commission.

The incident took place during the summer. The mother entered a store and sat down to nurse her child. The owner asked her to move into the courtyard, saying the store had a no drink or food policy. Furthermore, she was sitting on an antique chair and the owner was fearful it might be damaged.

The woman believed she was asked to leave the store because she was nursing her child. The Commission supported the complainant in the hearing.

The complaint was dismissed. The adjudicator determined that the option offered by the store owner was reasonable in the circumstances.

Despite the fact that the complaint was dismissed, the decision is significant because the adjudicator determined for the first time in Canadian law, that anyone who provides a service to the public has an obligation to accommodate nursing mothers. According to the adjudicator, the notion that people may feel uncomfortable about breast feeding is "an archaic view" and has no bearing on a mother's right to nurse her child in a "clean, comfortable and somewhat private place."

Raising Awareness

"...much discrimination is rooted in ignorance and education is essential to its eradication..."
Manitoba Human Rights Code

The Manitoba Human Rights Code states that "it is important that human rights educational programs assist Manitobans to understand all their fundamental rights and freedoms, as well as their corresponding duties and responsibilities to others."

Most people understand that the Manitoba Human Rights Commission is authorized to investigate and mediate complaints of discrimination. The legislation is intended to be "remedial" rather than "punitive." Discrimination, however, cannot be overcome by relying totally on the resolution of individual complaints. It is equally important to keep people informed of their rights and responsibilities. To this end the Commission publishes pamphlets, newsletters, and fact sheets and conducts educational seminars.

Information Available On Paper and Online

➢ **Publications**

The Commission Newsletter, *Human Rights From Manitoba,* was published twice during 2000. Each bilingual edition was sent to over 1,100 individuals, firms and organizations and another 1,000 were distributed during public speaking and other outreach activities.

The public continues to request information pamphlets and fact sheets. Some of these publications will be updated and republished next year.

➢ **Web-site**
www.gov.mb.ca/hrc

The Commission's bilingual web site continues to attract people searching for human rights information. Available on the site are brochures, fact sheets, *the Manitoba Human Rights Code,* copies of adjudicators' decisions, advisory opinions and upcoming dates and topics of the educational seminars.

In 2000, the web site averaged 5100 hits per month, almost double last year's number.

Sports Act on Wake up Call

➢ **Seminars**

In 1997 Sheldon Kennedy disclosed his experience of sexual abuse at the hands of his junior hockey coach. The publicity that followed served as a wake up call, and sports organizations have been grappling with the issue ever since.

"If you think education is expensive, try ignorance."
Derek Bok

In 1999 a Manitoba Collective, representing stakeholders from community and government agencies focused on the development of a provincial strategy to prevent harassment and abuse. This Collective concluded that there was a need for awareness of, and responsibility for the problem. It acknowledged that harassment and abuse exist in recreation and sport environments and measures must be taken to reduce the risk.

The Manitoba Human Rights Commission developed a workshop to address the need for education and awareness.

Two workshops were held. The first was with Sport Manitoba in Winnipeg. The second took place over a two-day period in Leaf Rapids with the Northern Manitoba Recreation Association.

The Commission's ongoing educational activities include five seminars. The *Employment Seminar* continues to attract the most participants. This is not surprising, since 62% of all formal complaints arise in the workplace. This business-oriented one-day seminar is designed specifically for employers. It answers questions on employers' rights, pregnancy, dress codes, sexual harassment, and accommodating religious beliefs and disabilities.

During the year, seven employment seminars were held in Winnipeg and one in Brandon. A total of 258 people attended these full day seminars.

The *Recent Developments in Human Rights Law Seminar* is primarily of interest to lawyers, law students and human resource professionals. This course reviews the effect of recent court and tribunal decisions dealing with equality and human rights law and also identifies emerging issues.

"In the middle of difficulty lies opportunity."
Albert Einstein

Aaron Berg, legal counsel to the Manitoba Human Rights Commission, delivered four courses.

Three half-day seminars were also offered*: Harassment in the Workplace, Reasonable Accommodation and Human Rights Issues for Non-Profit Organizations.*

The *Harassment in the Workplace Seminar* was held three times and attracted a total of 58 participants. The *Reasonable Accommodation Seminar* also took place three times, with a total of 48 people attending. One seminar on *Human Rights Issues for Non-Profit Organizations* attracted 21 people.

A new program for rental agencies, property owners and apartment managers will be offered for the first time next year.

➢ **Outreach**

Speaking Out on Human Rights

Some discriminatory practices are effectively addressed through public presentations.

In the year 2000, the staff gave 110 presentations in schools, businesses, labour organizations and community groups throughout the province. These presentations are part of the Commission's commitment to raising awareness of various human rights issues in Manitoba.

The majority of the presentations were given to businesses and dealt with such topics as employment, housing and services. The Commission responded to 48 business requests and gave presentations to groups ranging in size from five to eighty-five.

The Commission places a high priority on teaching students the value of a society where all people can participate equally. The negative consequences of discrimination are also stressed. A total of 29 educational institutions were visited in 2000.

"In youth we learn, in age we understand."
Marie Ebner-Eschenbach

Most of the presentations took place in high schools and post secondary schools. One was given at Children of Tomorrow Elementary School. The Commission is aware of the needs of elementary school students and a program designed for these children is in development for next year.

Although the majority of presentations were delivered to Winnipeg students, the staff also visited schools in Brandon, Carman, Portage la Prairie, Warren, The Pas and Thompson.

Taking Human Rights to School

➢ **Children**

Children are our first defense against racism. The Commission, in partnership with the Manitoba Metis Federation, hired Georgina Pelletier through the STEP program to teach human rights to elementary school students as a pilot project. The lessons, *We are Different But Equal,* were taught at Margaret Park School in Winnipeg to students in grades three to six.

For younger students, the emphasis was on respecting people's feelings, and dealt with name-calling and unequal treatment. With older students, the subjects included understanding and accepting differences and cultural diversity.

Book on Youth Rights

➢ **Youth**

Working with the Children's Advocate and the Ombudsman, the Commission is involved in a publication that will serve to inform young people, ages 12 – 18 years, of their rights under the *Manitoba Human Rights Code* and other provincial legislation. This joint initiative is to be completed next year.

Significant Contributions to Advancing Human Rights Recognized

➢ **Awards**

"No person was ever honoured for what he received. Honour has been the reward for what he gave."
Calvin Coolidge

In 2000 the Commission initiated the Manitoba Human Rights Commitment Award in partnership with the Canadian Human Rights Commission and the Community Legal Education Association.

The Honourable Gord Mackintosh, Minister of Justice and Attorney General of Manitoba presented the first Human Rights Commitment Award to Kathy Mallett and Sherri Walsh. The winners of this important new award were chosen because of their long time commitment to advancing human rights in Manitoba. They shared the award money of $1000 and each received a gift created by a Manitoba craftsperson.

The Human Rights Commitment Awards were presented on December 8th at the CLEA Human Rights Day Conference, in recognition of International Human Rights Day on December 10th.

Regional Reports

Discrimination is not limited to the City of Winnipeg. The services of the Manitoba Human Rights Commission extend throughout the province.

➢ Brandon and Rural Manitoba

The Brandon Human Rights Office has two positions: the Human Rights Officer and the Intake Officer. During 2000, their outreach activities included eleven speaking engagements. These presentations were given to various groups ranging from schools and non-profit organizations to businesses and a Friendship Centre.

Staff from Winnipeg, as well as Brandon, travelled to Selkirk, Portage la Prairie, Carman, Hecla, Dauphin, Warren and Altona, speaking on human rights.

"Where, after all, do human rights begin? In small places, close to home...so small they cannot be seen on any map of the world."
Eleanor Roosevelt

The staff participated in events sponsored by other agencies such as the Friendship Centre, Assiniboine Community College and the Regional Health Authority. They also hosted a one-day Employment Seminar.

The Brandon Office hosted an open house on December 8, 2000, in recognition of International Human Rights Day. For the second year, former Commissioner, Marion Robinsong conducted a candle lighting ceremony. She spoke on the Canadian Charter of Rights and Freedoms and the Universal Declaration of Human Rights.

➢ The Pas and Northern Manitoba

The Pas Office also has a staff of two, an Intake Officer and a Human Rights Officer.

The Regional Human Rights Officer in northern Manitoba has expanded outreach activity by travelling extensively and by being available to the public on a regular basis in offices of such organizations as the Thompson Citizenship Council Inc./Multi Culture Centre, The Manitoba Metis Federation and the Flin Flon Friendship Centre.

Outreach contact has resulted in an established referral procedure for any person facing discrimination, whether they live in a northern city, town or reserve.

In 2000, sixteen public presentations were delivered in The Pas, Flin Flon, Leaf Rapids and Thompson.

The Regional Human Rights Officer has worked successfully with various businesses and organizations on joint projects.

Working Together on Employment and Education

The Human Rights Officer in The Pas worked with a large employer in establishing an Aboriginal Employment Review Committee. It serves to inform aboriginal workers of their rights and offers them an avenue of redress should they face discrimination in the workplace.

The Manitoba Human Rights Commission assisted the Thompson Citizenship Council Inc./Multi Culture Centre with their book, *Discovering the Many Faces of Discrimination in Northern Manitoba.* This book, based on over two hundred interviews, contains a series of stories chronicling the various forms and scope of discrimination faced on a day to day basis in Northern Manitoba. The Commission's contribution consisted of commentaries and opinions following each story. The Commission staff in The Pas also assisted with the subsequent video and radio segments based on the book.

The Human Rights Officer in The Pas assisted in the implementation of an Employment Equity Program for an educational institution.

On Human Rights Day the public was invited to an informal information session at The Pas Friendship Centre.

Advice Available

- **Advisory Opinions**

Occasionally, businesses, unions, institutions, government departments or organizations wish to consider the special needs of certain groups when hiring or making other decisions, without running the risk of contravening *the Human Rights Code.*

The Code includes provisions for persons subject to its prohibitions to obtain a written binding "advisory opinion" as to whether any act or omission by them is in compliance with or contravenes *The Code.*

The Commission does not always issue an advisory opinion in response to an applicant's request. Advice or guidance from the Commission may be sufficient to answer an applicant's concern. Sometimes the activity falls outside the jurisdiction of the Commission. In other cases the application of *The Code* to a situation may be uncertain, and the Commission takes care to preserve the right of a person to file a human rights complaint with respect to the activity or practice.

The Commission issued one formal advisory opinion during the year.

Manitoba Teachers' Society

The Manitoba Teachers' Society requested an advisory opinion with respect to changes that it had implemented in its long-term disability plan.

Background

Originally, a teacher who was on long-term disability (LTD) and met the necessary definition of total disability remained on LTD until he or she reached the age of 65. At this time the person would retire and receive a pension.

The change in the LTD Plan terminated eligibility for benefits when a person reached the age of 60 if they also had 30 years of pensionable service.

According to the Manitoba Teachers' Society, the changes were needed in order to keep the plan financially sound. The MTS Plan managers stated that a person entitled to a pension after 30 years of teaching would be netting substantially the same income as they would on LTD.

"Don't ever take a fence down until you know why it was put up."
Robert Frost

The only options identified by the Plan actuaries and by MTS administrators were:

1. Removing LTD recipients from the LTD Plan at an earlier time (i.e. when they were eligible to be transferred to the pension stream); or
2. Significantly increasing LTD premiums to all teachers as the LTD fund is entirely funded by teacher contributions.

Opinion

The Human Rights Code prohibits discrimination with respect to any service, benefit, program, etc., available to a section of the public unless bona fide and reasonable cause exists for the discrimination. It also prohibits discrimination with respect to contracts offered to a section of the public, unless bona fide and reasonable cause exists.

Caselaw suggested that in an insurance or related context, courts are slow to challenge grounds that are actuarially reasonable to consider in providing or withholding certain types of benefits. They will focus on whether reasonable alternatives to the use of the disputed characteristic are possible.

Decision

The Commission concluded that, given the absence of other reasonable and actuarially sound alternatives for amending the LTD plan, the change as implemented was reasonably necessary for the prudent administration of the plan. There was a bona fide and reasonable cause for discrimination within the meaning of sections 13(1) and 15(1) of *The Code*.

The Commissioners 2000

Commissioners are selected to represent the geographic, cultural, social and economic profile of Manitoba. Appointed to a three-year term, they serve on a part-time basis. There are ten Commissioners, including a Chairperson and a Vice-Chairperson.

➢ **Chairperson**

Kenneth Filkow Q.C. is completing his final term as Chairperson of the Commission. He combines this work with an active law practice as a senior partner of D'Arcy and Deacon in Winnipeg. The emphasis of his practice is advice and counsel to business corporations. Ken is a past President of CASHRA, the Association of Human Rights Commissions across Canada.

➢ **Vice-Chairperson**

Cheryl Dumont is the Vice-Chairperson of the Commission. She is the Director of the Manitoba Metis Federation's Human Resources Training and Development Department. From 1989 to 1997 Cheryl was a municipal councillor with the R.M. of Saint-Laurent. During this time she served on many municipal committees and represented the municipality on various boards. Cheryl is also involved with the Société Franco-Manitobaine.

Dr. Amarjit S. Arneja was born in Punjab, India and immigrated to Winnipeg in 1973. He has been a Commissioner since 1994. He is an Associate Professor of Medicine at the University of Manitoba and is active in clinical practice, teaching and research. He has been a Director of the Manitoba Tennis Association for many years and is the past editor of its newsletter. He is presently the Director and Trustee of the India Association of Manitoba and is actively involved in cultural, community and temple organizations.

Alfredo (Fred) Arrojado is an Insurance Consultant with Zurich Life Canada and holds a Bachelor of Arts in Business Administration. Fred is the Managing Director with CTICS, an immigration consulting company. He is also an accredited Community Legal Intermediary with the Community Legal Education Association. He is Past President of the Philippine Association of Manitoba and is a Council Member of MEBAC/FBDB. He is an active community volunteer, assisting new immigrants on settlement and immigration issues.

Randal Smith was called to the Bar in 1980. He is Counsel for the Aboriginal Law Group of the Federal Department of Justice. Randal is a Past President of the Manitoba Bar Association and regularly writes articles on legal issues. He has served as an Adjudicator under The Canada Labour Code and as a Chair of the Canada Pension Plan Review Tribunal.

Dianne Vanderwater graduated from the University of Manitoba in 1990 with a Bachelor of Arts degree majoring in French. She lives in Winnipeg and is employed at Faneuil Group as a Quality Assurance Agent. Dianne is active in her church and community events.

➢ **New Commissioners**

Janet Baldwin is a new appointment to the Commission. She taught law at the University of Manitoba for 31 years. Janet was involved in equity and diversity issues at the University, where she served as Chair of the President's Advisory Council on Women and Director of the Women's Secretariat. She revised the University's sexual harassment and human rights policies. Currently Janet is also a member of an Agency Liaison Team for the United Way Community Investment Allocation. She is married with two teenaged children.

Roberta Frederickson is a Shop Steward with the Canadian Auto Workers and was appointed to the Commission this year. She is a long time employee with the Fort Garry Hotel in Winnipeg and has extensive experience in workplace issues. Her interests include human rights and she now teaches Winnipeg CAW members about human rights law and related issues. Roberta has one daughter.

Kemlin Nembhard graduated from the University of Winnipeg with a Bachelor of Arts majoring in Environmental Studies, Social and Economic Studies and Geography. She works as a Women's Health Educator for the Canadian Women's Health Network. She is on the Board of Herizons and is an active volunteer with CHO!CES. Kemlin is very involved in the social justice movement, especially on anti-racism and women's issues. She also works on alternative economic issues.

Yvonne Peters was appointed to the Commission this year. She has a Bachelor of Arts and a Bachelor of Law from the University of Saskatchewan and a Bachelor of Social Work from the University of Regina. She practices equality rights law in Winnipeg, providing legal consultation and advice to unions, community groups, human rights organizations, the corporate sector and governments. Her community work includes serving as a member of the Equality Rights Panel of the Court Challenges Program and sitting on the Board of the Women's Health Clinic.

2001 Initiatives

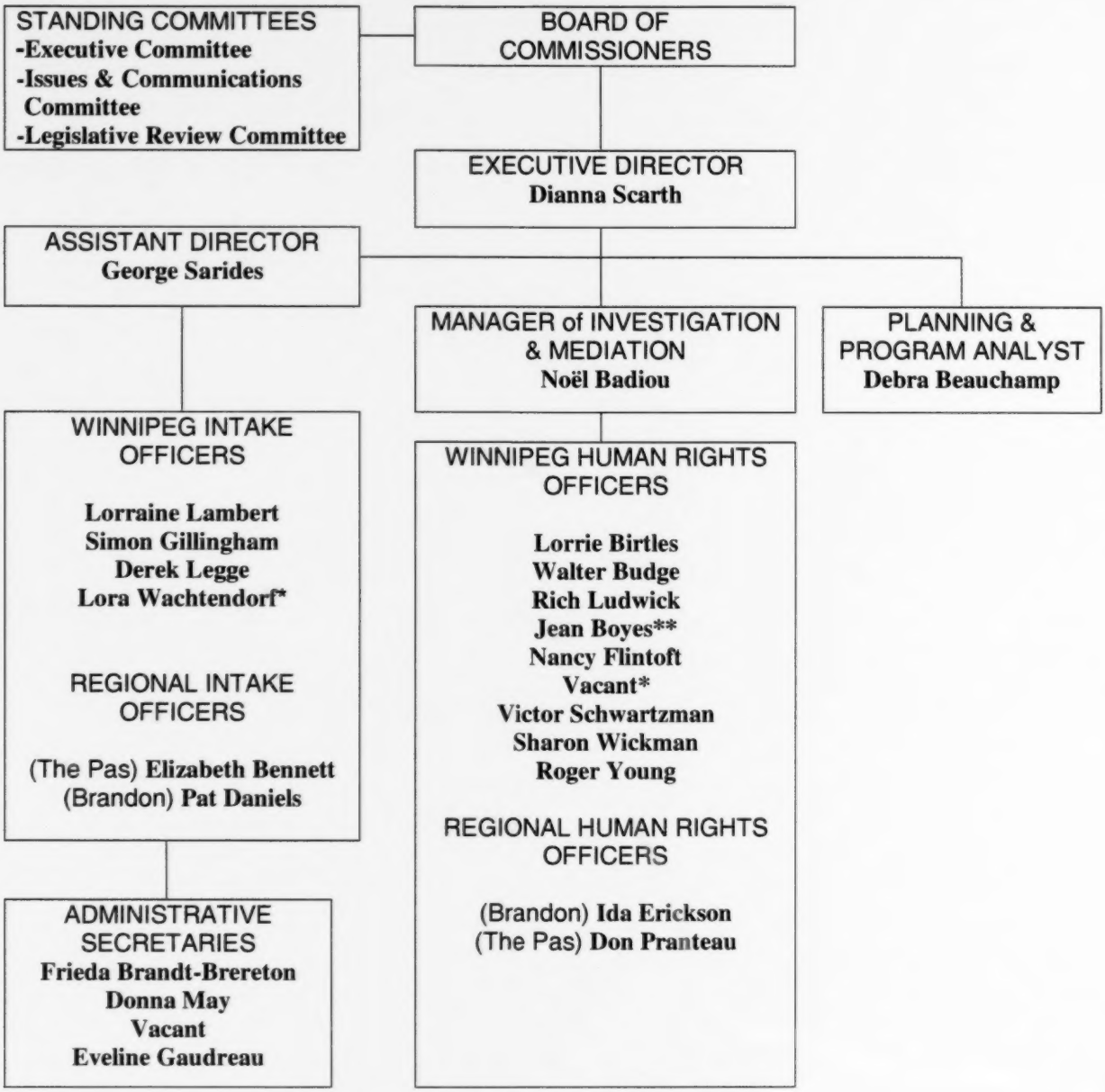
"My interest is in the future because I am going to spend the rest of my life there."
Charles F. Kettering

The Board of Commissioners is responsible for establishing Commission policies and for determining the activities and programs that the Commission will undertake in order to fulfill its mandate. The Board also determines the disposition of all complaints and issues binding advisory opinions.

In the coming year the Board will consider whether the Commission's areas of jurisdiction should be broadened to include, for example, issues related to poverty and homelessness. The Board has stated that the Commission will place a greater emphasis upon systemic complaints. Although the Board has seldom exercised its right to lay its own complaints in the past, it will consider whether Commission initiated complaints could be used more frequently to deal with systemic discrimination.

The Commission is prepared to speak out on important human rights issues, even if they are beyond its legal jurisdiction. The Commission is committed to developing programs that will offer services to Aboriginal peoples in a more accessible and culturally sensitive way and to renewing its relationships with the diverse communities in the province.

MANITOBA HUMAN RIGHTS COMMISSION ORGANIZATION CHART



* half time
** .7 S.Y.

Statistics

Pre-complaint resolution files:

Activity	# of Files	%
13(1) Services	12	20.7%
14(x) Employment	38	65.5%
16(1) Housing	5	8.6%
19(x) Harassment	3	5.2%
20(1) Reprisal	0	0%
TOTAL	**58**	**100%**

Grounds	# of files	%
Age	9	15.6%
Ancestry	8	13.7%
National Origin	23	39.7%
Disability	5	8.6%
Marital / Family	2	3.4%
Sex (incl. Pregnancy)	9	15.6%
Sexual Orientation	2	3.4%
Total	**58**	**100%**

Formal Complaint Files

Activity	# of files	%
13(1) Services	44	16.9%
14(x) Employment	162	62.0%
16(1) Housing	7	2.7%
19(x) Harassment	41	15.7%
20(1) Reprisal	6	2.3%
15, 17, 18 Other	1	0.4%
Total	261	100%

Grounds	# of files	%
Age	17	6.5%
Ancestry	*(48) 47	18.0%
National Origin	*(2) 1	0.4%
Disability	*(85) 83	31.8%
Marital / Family	13	5.0%
Political Belief	2	0.8%
Religion	*(6) 5	1.9%
Sex (incl. pregnancy)	*(80) 78	29.9%
Sexual Orientation	10	3.8%
Source of Income	1	0.4%
Other	4	1.5%
Total	261	100%

* Note that some complaints include multiple grounds and the figure in "(#)" indicates the total number of grounds in all complaints filed.

Total 2000 Pre and Formal Complaints by Activity

Activity	**# of files**	**%**
13(1) Services	56	17.6%
14(x) Employment	200	62.6%
16(1) Housing	12	3.8%
19(x) Harassment	44	13.8%
20(1) Reprisal	6	1.9%
15, 17, 18 Other	1	0.3%
Total	**319**	**100%**

Total 2000 Pre and Formal Complaints by Grounds

Grounds	# of files	%
Age	26	8.2%
Ancestry	55	17.2%
National Origin	*(2) 1	0.3%
Disability	*(108) 106	33.2%
Marital / Family	18	5.6%
Political Belief	2	0.6%
Religion	*(8) 7	2.2%
Sex (incl. pregnancy)	*(89) 87	27.3%
Sexual Orientation	12	3.8%
Source of Income	1	0.3%
Other (Analogous Grounds)	4	1.3%
Total	**319**	**100%**

*Note that some complaints include multiple grounds and the figure in "(#)" indicates the total number of grounds in all complaints filed.

Formal Complaint Files – Year End Summary – 2000

Formal complaints brought forward from 1999		208
Formal complaint filed in 2000		+ 261
	Total	469
Formal complaint files closed in 2000		- 223
Formal complaint files carried over to the 2001 calendar year		= 246

Status of Complaints carried over to the 2001 calendar year:

In Investigation	187
In Pre-Investigation Mediation	41
In Directed Mediation	18
Total	246

FORMAL COMPLAINTS FILED

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
245	*265*	*216*	*149*	*150*	*169*	*218*	*308*	*262*	*252*	*261*

Disposition of Formal Complaints by Activity

Activity (# of Files)	Pre-investigation mediation	Settled in mid-investigation	Withdrawn/ Abandoned	Dismissed	Settled in Directed Mediation	Referred to Adjudication	Other**
13(1) Services (34)	3	2	5	18	0	4	2
14(x) Employment (131)	16	16	25	50	6	11	7
16(1) Housing (8)	0	1	2	4	0	1	0
19(x) Harassment (42)	12	2	5	16	4	0	3
20(1) Reprisal (8)	0	0	1	6	0	1	0
Totals (223)	31	21	38	94	10	17	12

Disposition of Formal Complaints by Grounds

Grounds (# of Files)	Pre-investigation mediation	Settled in mid-investigation	Withdrawn/ Abandoned	Dismissed	Settled in Directed Mediation	Referred to Adjudication	Other**
Age (23)	1	0	9	9	0	1	3
Ancestry (33)	5	1	5	19	1	1	1
National Origin (2)	0	0	0	2	0	0	0
Disability (61)	8	11	10	21	3	4	4
Marital / Family (16)	3	2	2	7	0	2	0
Political Belief (0)	0	0	0	0	0	0	0
Religion (4)	0	0	1	3	0	0	0
Sex (77)	12	7	10	30	6	8	4
Sexual Orientation(6)	2	0	1	2	0	1	0
Source of Income (1)	0	0	0	1	0	0	0
Totals (223)	31	21	38	94	10	17	12

****Note that the 12 'other' matters were in relation to matters where the proceedings were terminated as a result of the parties settling the matter without the Commission's involvement.**